

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION - FLINT

IN RE:

GAYLORD EUGENE GRUBAUGH, JR.,
Debtor.

Case No: 08-33727
Ch. 7

_____ /

Order Granting in Part
Debtor's Motion for Sanctions for Violation of the Automatic Stay

For the reasons stated in the Court's opinion entered this date, the Debtor's Motion for Sanctions for Violation of the Automatic Stay is granted to the extent that N & K Marine's conduct rose to the level of a willful violation of the automatic stay. As far as damages, the Court denies the Debtor's request for punitive damages and holds its decisions in abeyance as to an award of actual damages because the record is incomplete.

Debtor's counsel is to submit a verified affidavit that itemizes and describes the time he spent in pursuing the motion for violation of the automatic stay within 14 days of the entry date of the Court's Opinion. N & K Marine will then be given 14 days from the filing date of the Debtor's attorney's affidavit to file a response or objections. Debtor will then have 14 days from the filing of any response by N & K Marine to file a reply. Once this final reply time period has passed, the record in this matter will be closed. The Court will then rule on Debtor's request for actual damages with or without hearing at its discretion.

It is so ordered.

Signed on October 13, 2009

/s/ Daniel S. Opperman

Daniel S. Opperman
United States Bankruptcy Judge